

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:21CV342-SCR**

ALFRED LUCKSAVAGE,
)
)
Plaintiff,
)
)
v.
)
COMMISSIONER OF SOCIAL
SECURITY,
)
Defendant.
)

ORDER

THIS MATTER comes before the Court on “Plaintiff’s Motion for Attorney’s Fees Under § 406(b) of the Social Security Act” (“the “Motion”). (Doc. No. 20). In the Motion, Plaintiff’s counsel contends that he is entitled to attorney’s fees in the amount of \$12,453.75, which represents less than 25% of Plaintiff’s accrued back benefits, to be paid from Plaintiff’s back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant takes no position on the Motion. (Doc. No. 22).

The Court has reviewed Plaintiff's Motion and supporting exhibits, along with Defendant's Response, and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b), and that the amount requested is reasonable for the reasons outlined in Plaintiff's Motion.

On September 27, 2022, the Court awarded Plaintiff \$8,075.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. No. 19).

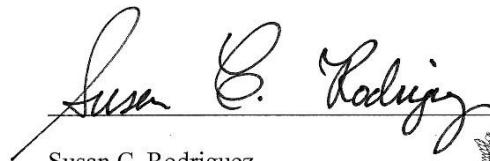
IT IS, THEREFORE, ORDERED that “Plaintiff’s Motion for Attorney’s Fees Under §

406(b) of the Social Security Act" (Doc. No. 20) is **GRANTED**.

The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$12,453.75 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$8,075.00 EAJA fee to Plaintiff.

SO ORDERED.

Signed: November 14, 2023




Susan C. Rodriguez
United States Magistrate Judge